

WISHA REGIONAL DIRECTIVE

WISHA Services

Department of Labor and Industries

12.75 EMERGENCY RESPONSE TO HAZARDOUS SUBSTANCE RELEASES Date: September 25, 1997

I. Background:

On October 30, 1996, the federal Occupational Safety and Health Administration (OSHA) issued a memorandum addressing emergency evacuation requirements, hazardous materials release response requirements, and coordination with local fire departments. Washington's regulations (found in WAC 296-24-567 and WAC 296-62-3112) are generally equivalent to the federal requirements.

II. Scope and Application:

This WISHA Regional Directive, which remains in effect indefinitely, confirms existing and previous enforcement policy under the Washington Industrial Safety and Health Act (WISHA) regarding employer responsibilities during such hazardous substance release emergencies. This WRD incorporates the substance of WISHA Interim Interpretive Memorandum #96-11-K, which is hereby rescinded.

III. Interpretive Guidance:

A. What must an employer do in preparation for hazardous material release emergencies?

If an employer expects employees to play a role in responding to hazardous material release emergencies, the employer must comply with WAC 296-62-3112 (including requirements related to pre-emergency planning and coordination with outside parties).

B. What if the employer intends to evacuate all employees immediately?

If an employer plans to evacuate *all* employees immediately and has a complete and effective emergency action plan in compliance with WAC 296-24-567, no violation of WAC 296-62-3112 exists.

C. What if some employees remain following a hazardous materials release to shut down critical plan operations?

If an employer expects some employees to remain following a hazardous material release to shut down critical plant operations, the employer must comply with WAC 296-62-3112 *if* a potential for exposure exists.

IV. Special Inspection Protocols

A. How should WISHA staff evaluate an employer's compliance with WAC 296-62-3112?

WISHA consultation and compliance staff must apply the requirements of the standard (including pre-emergency planning and coordination with outside parties) as appropriate.

1. WISHA staff conducting an inspection or consultation regarding these issues should verify employer agreements with outside parties (such as local fire service) by contacting any such parties. Such mutual agreements must outline how the parties will be notified of a potential emergency situation and what role each would play during an emergency incident.
2. WISHA staff conducting such inspections or consultations should also evaluate the capabilities and limitations of any outside parties regarding a hazardous materials emergency response incident to determine whether the employer's agreement with the outside parties provides adequate protection of workers in the event of a hazardous material release emergency.

B. How should WISHA staff evaluate the effectiveness of an employer's emergency action plan under WAC 296-24-567?

In order to evaluate the effectiveness of the emergency action plan, the compliance officer or consultant should evaluate the way in which it addresses issues such as notification procedures for communicating the emergency to internal and external parties so that employees are not placed at risk, the expected response time of external parties, details of the evacuation plan regarding safe distance areas for various conditions, and the way in which the evacuation details and the expected response times relate to one another.

C. What if employers have not complied with the requirements of either standard?

If the employer has no plan and/or has failed to coordinate with outside emergency response resources, inspectors should consider citing the appropriate violations of both WAC 296-62-3112 and WAC 296-24-567. The decision whether to group all or a portion of the applicable violations must be based on applicable policy guidance related to grouping.

Michael A. Silverstein, Assistant Director
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